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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,781	02/04/2004	Michael J. Franz	9507	5159

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EXAMINER

DAVIS, OCTAVIA L

ART UNIT PAPER NUMBER

2855

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,781

Applicant(s)

FRANZ ET AL.

Examiner

Octavia Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 6/20/05.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 7, 11, 13, 14 and 18 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Franz.

Regarding claims 1 and 6, Franz discloses a method of controlling tension in a web comprising determining a first and a second web tension analog value of a moving web 10 material in a first span utilizing a controller 60, determining a first and a second web-velocity-analog value of the moving web material in the first span utilizing the controller 60 and determining a modulus of elasticity analog value of the moving web material according to the tension analog values and the velocity analog values (See Cols. 3 and 4, lines 65- 67 and 1 – 19).

Regarding claim 2, the first web tension analog value and the first web velocity analog value are determined at a first location (See Col. 4, lines 26 – 31).

Regarding claims 3, 18 and 20, a speed of the moving web material is determined according to the modulus of elasticity analog value and the first web tension analog value (See Col. 4, lines 38 – 49).

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Regarding claims 4, 11, 13, 14 and 19, an unwinding web velocity analog value of the moving web material 10 is determined, and a wound in tension analog value of the moving web material is determined (See Col. 5, lines 33 – 41 and 53 – 56).

Regarding claim 5, the speed is determined when there is a change in another value (See Col. 4, lines 46 – 49).

Regarding claim 7, the modulus of elasticity analog value is determined whenever there is a change in another value (See Col. 5, lines 3 – 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 - 10, 12, 15, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz in view of Scheucher.

Regarding claims 8 - 10, Franz discloses all of the limitations of these claims except for teachings that the modulus of elasticity is determined at predetermined time intervals, after the handling of a predetermined length of the moving web and according to the rotational position of the roll. However, Scheucher discloses a process for measuring the modulus of elasticity comprising a length determining means 15 which includes a probe 19, the determining means measuring a yield point or modulus of elasticity of a web 20 at predetermined time intervals (See Col. 5, lines 49 – 59),

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after handling the web (See Col. 5, lines 18 – 48) and in accordance with a position of rolls 7, 8 (See Col. 4, lines 43 – 59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Franz according to the teachings of Scheucher for the purposes of, providing a process for the continuous measurement of the modulus of elasticity of wires or strips to use such output data in the processing of plastics, and obtaining wires of a desired strength characteristic before a working speed has achieved its full value (See Scheucher, Col. 2, lines 58 – 64 and Col. 3, lines 35 – 41).

Regarding claims 12 and 15, Franz discloses all of the limitations of these claims except for associating a time value with the determined modulus of elasticity analog value, and storing at least the modulus of elasticity analog value with the associated time value. However, in Scheucher, a device 24 records the value of the modulus of elasticity (See Col. 5, lines 49 – 58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Franz according to the teachings of Scheucher for the purpose of, determining and recording an actual value of the yield point or modulus of elasticity (See Scheucher, Cols. 5, lines 54 – 56 and Col. 6, lines 31 – 34).

Regarding claims 16 and 17, in Franz, the velocity values are filtered to reduce a sudden change in the velocity (See Col. 4, lines 64 – 67).

Response to Arguments

5. Applicant's arguments filed 5/18/05 have been fully considered but they are not persuasive. In response to applicant's arguments that the references do not disclose "determining the modulus-of-elasticity-analog value of the moving web material according to the values of tension and velocity

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of the moving web material”, “determining the flow-rate-analog and the modulus-of-elasticity-analog values of the moving web material” and “determining the modulus-of-elasticity of a moving web material by determining the modulus-of-elasticity and the flow-rate-analog values”, it is the examiner’s position that with respect to *“determining the modulus-of-elasticity-analog value of the moving web material according to the values of tension and velocity of the moving web material”*, in Franz, the instantaneous integral gain of the controller 60 is determined according to the web velocity analog value of the web 10 resulting in effective web tension control of the entire speed range of the web converting process and also accommodates variations in the modulus of elasticity of the web, thus the modulus of the elasticity is determined, or updated, or adjusted based on the determination of the gain derived from the velocity which has a direct effect on the web tension (See Col. 4, lines 13 – 19). With respect to, *“determining the flow-rate-analog and the modulus-of-elasticity-analog values of the moving web material”*, in Franz, the web velocity analog value is derived from directly measuring the velocity (speed) of the material (See Col. 3, lines 28 – 31, thus the rate at which the web would proceed through a portion of the web handling system is determined. Also, a master speed reference 20 is utilized to synchronize determined speeds in the web handling process (See Col. 4, lines 59- 61) and a speed draw setting 70 adjusts the speed of the web and the master speed reference 20 determines a local speed reference for the controller 60 (See Col., 6, lines 1 – 8). With respect to, *“determining the modulus-of-elasticity of a moving web material by determining the modulus-of-elasticity and the flow-rate-analog values”*, the claim limitations include that the modulus-of-elasticity is determined according to the web tension analog values and the web velocity analog values and according to the flow-rate-analog value and either the first or second of the web-tension-analog values and the web velocity analog values, thus the reference still stands.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion


6. Any inquiry concerning this communication should be directed to examiner Octavia Davis at telephone number (571) 272 - 2176. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (571) 272 - 2180. The fax phone number for the organization where this application where this application or proceeding is assigned is (703) 872 - 9306.

OD

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6/29/05


EDWARD LEFKOWITZ
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TECHNOLOGY CENTER 2800